

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RALPH MILLER,

No. C 02-2118 MJJ (MEJ)

Plaintiff(s),

vs.

**ORDER FOR PLAINTIFF TO FILE
THE DECLARATIONS OF JERALD
UDINSKY AND WILLIAM HORTON**

INTERNATIONAL BUSINESS MACHINES, et
al,

Defendant(s).

The Court is in receipt of Byron Thompson's declaration, filed May 9, 2006, regarding the steps taken to amend expert witness reports. Doc. #515. In his declaration, Mr. Thompson states that "Dr. Udinsky amended his expert report" and "Mr. Horton amended his expert report . . ." However, in their recent depositions, Dr. Udinsky and Mr. Horton stated that they were never asked to update their expert reports and therefore did not do so. Doc. #517. It is unclear how Mr. Thompson's declaration can state that these two witnesses amended their reports when their sworn deposition testimony suggests otherwise. Accordingly, the Court hereby ORDERS Miller to file declarations from Dr. Udinsky and Mr. Horton attesting as to whether they amended their reports in any way in response to the Court's February 6 and April 14, 2006 orders. By "they," the Court means Dr. Udinsky and Mr. Horton's efforts, not Miller or his counsel's efforts. Miller shall file their declarations by May 16, 2006.

IT IS SO ORDERED.

Dated: May 10, 2006



MARIA ELENA JAMES
United States Magistrate Judge